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COMMITTEE ON RELATIONS WITH
THE HOST COUNTRY

LETTER DATED 17 MAY 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF CUBA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Enclosed please find the text of note No. HC-22-95 dated 12 April 1995 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations (annex I), announcing the expulsion from the territory of the host country of two diplomatic officials of the Permanent Mission of Cuba to the United Nations, as a result of the incidents which took place in the vicinity of the Permanent Mission of Cuba on 30 August 1994, as well as the text of an official declaration of the Ministry of Foreign Affairs of the Republic of Cuba in this regard, dated 12 April 1995 (annex II).

I am also enclosing the text of note No. 249 dated 26 April 1995 from the Permanent Mission of Cuba to the United Nations (annex III), in response to the above-mentioned note No. HC-22-95.

I kindly request that the present letter and its annexes be circulated as an official document of the Committee on Relations with the Host Country.

(Signed) Bruno RODRIGUEZ PARRILLA

ANNEX I

Note verbale dated 12 April 1995 from the United States Mission to the United Nations addressed to the Permanent Mission of Cuba to the United Nations

The United States Mission to the United Nations presents its compliments to the Permanent Mission of Cuba to the United Nations and has the honour to refer to the Mission's note No. 192 dated 5 April 1995, concerning the incident which occurred at the Cuban Mission on 30 August 1994, and concerning the security protection provided by United States authorities for the Mission.

The United States rejects any allegation that either federal or local authorities have been remiss in providing security protection for the Permanent Mission of Cuba on this or any occasion. On 30 August, New York City police reinforcements were at the Mission within less than a minute after the start of the demonstration to control the demonstrators who were blocking the entrance to the Mission. A sufficient number of police officers to protect the Mission immediately began to remove demonstrators from the premises. The police would have completed this removal swiftly if personnel from the Mission had not come out and started to assault the demonstrators and the police as well. This precipitated a riot and resulted in injuries to a large number of those present, including 15 police officers.

The Permanent Mission of Cuba rejected, in its note of 5 April, the United States request that the Government of Cuba waive the immunity of Mr. Saúl Hermida Griego and of Mr. Edmundo Suárez Hernández so that the charges against them for their alleged actions during the 30 August incident could be adjudicated in accordance with the laws of the state of New York.

In the absence of a waiver in cases of serious offences such as these, it is the policy of the United States to require that the alleged offenders leave the United States. Accordingly, the Permanent Mission of the United States informs the Permanent Mission of Cuba of the following:

(1) Mr. Saúl Hermida Griego and Mr. Edmundo Suárez Hernández are required to depart the United States no later than midnight, 16 April, together with all of their dependants who are not citizens or permanent residents of the United States. After that time, Mr. Hermida Griego and Mr. Suárez Hernández will no longer have diplomatic status and, if they were to remain, they would be subject to arrest.

(2) The Permanent Mission of Cuba is requested to provide confirmation of their departures. The Mission is also requested to return to the United States Mission all diplomatic identity cards issued to Mr. Hermida Griego and Mr. Suárez Hernández, as well as to their family members. In addition, all sales tax exemption cards, diplomatic licence plates and Department of State driver's licences issued to these individuals must be returned to the Office of Foreign Missions in New York.

(3) The Permanent Mission of Cuba is reminded that, in accord with the provisions of the Immigration and Nationality Act, neither Mr. Hermida Griego nor Mr. Suárez Hernández will be permitted to return to the United States, as a general matter, unless he submits fully to the jurisdiction of the court with jurisdiction over the offence alleged.

ANNEX II

Declaration of the Ministry of Foreign Affairs of the Republic of Cuba, of 12 April 1995

The United States Mission to the United Nations sent today, 12 April, a diplomatic note to our Permanent Mission to that Organization announcing the expulsion of two Cuban diplomats, arguing that the Cuban Government had refused to waive the diplomatic immunity they enjoy to avoid placing them under United States justice.

Our diplomats are charged with having participated in the disturbances that occurred in front of the Permanent Mission of Cuba to the United Nations in August 1994. Those disturbances, as we have disclosed on several occasions, were not provoked by our officials, but by terrorist groups acting with impunity against our Mission and by the inefficient work of the New York City police, which, consciously or unconsciously, permitted those individuals to block the entrance to the Mission. Our officials simply responded to the total inaction on the part of those who have the duty of protecting the security of the diplomatic missions accredited to the United Nations.

This ridiculous decision, eight months after the event and, suspiciously, days before the beginning of a new round of talks on migration, undoubtedly shows the attitude of the United States authorities in the face of the pressures of those small fascist groups and ultra-conservative elements within United States society. It is also evidence of the isolation of the aggressive, hostile and cold-war policy which the United States Government feels bound to continue against Cuba despite the fact that it has been condemned world wide.

Our country strongly rejects this coarse anti-Cuban manoeuvre and declares once again that the Cuban diplomatic officials will never stop fulfilling the sacred duty of defending our interests and our principles, both with words and deeds. At the time so required, our comrades will return to their homeland secure in the knowledge that they have fulfilled their duty and settled their accounts with those stale provocateurs who made an attempt against our Mission and against the sacred interests of the homeland.

ANNEX III

Note verbale dated 26 April 1995 from the Permanent Mission of Cuba to the United Nations addressed to the United States Mission to the United Nations

The Permanent Mission of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and wishes to refer to note No. HC-22-95 of 22 March 1995 from the United States Mission to the United Nations.

The Permanent Mission of Cuba to the United Nations strongly rejects the version of the incidents which occurred on the premises of the Permanent Mission of Cuba on 30 August 1994 which is contained in the above-mentioned note of the United States Mission to the United Nations and reiterates the exact and conclusive description of the facts, which was conveyed in a timely manner to the United States Mission to the United Nations, as well as to the local authorities of the City of New York, and to the United States federal authorities by different channels, including note No. 556 of 30 August 1994 from the Permanent Mission of Cuba to the United Nations, followed by notes 567, 635, 709 and 158, of 6 September, 22 October and 9 November 1994 and 22 March 1995, respectively.

As the Permanent Mission of Cuba to the United Nations has indicated in its previous notes on this matter to the United States Mission to the United Nations, as well as during the meetings of the United Nations Committee on Relations with the Host Country, the incidents of 30 August 1994 could only have taken place as a consequence of the inaction and the absence of the adequate and sufficient security and protection measures on the part of the host country.

The officials of the Permanent Mission of Cuba who were forced to intervene in the incidents on the said day did nothing but defend the premises of the Cuban diplomatic headquarters as well as the Cuban officials who had been prevented from entering the building, the security of which had been put seriously in jeopardy as a result of an obvious act of aggression, conceived and prepared beforehand, within a climate of increased tensions, something which was called attention to in a timely manner by the Permanent Mission of Cuba and which was responded to with absolute unmindfulness by the host country.

The authorities of the host country detained, handcuffed and insulted Cuban diplomatic officials in flagrant violation of the diplomatic immunity to which they are entitled, among them Mr. Edmundo Suárez Hernández, Counsellor, and Mr. Saúl Hermida Griego, Attaché, for actions they were not involved in, the real cause of which was the failure of the host country to comply with the obligations and responsibilities that derive from its position as host country of the United Nations.

The Permanent Mission of Cuba to the United Nations hopes that the legal process initiated against those who bear the real guilt for the incidents that took place on 30 August 1994, that is, those people associated with terrorist organizations who attempted to storm the Permanent Mission of Cuba, assaulted

and uttered offences against its diplomatic personnel, in violation of the federal laws of the United States, will be taken to its ultimate consequences and will conclude with the conviction of said individuals. Failing to do so would undermine the will of the authorities of the United States to apply and enforce its own legislation in all cases, without any selectivity whatsoever, and would establish a precedent of impunity for the perpetrators of such crimes, who may actually feel encouraged to re-enact those hideous episodes.

The Permanent Mission of Cuba to the United Nations deeply rejects the decision of the host country's authorities to demand that the diplomatic officials of the Permanent Mission of Cuba involved in the incidents of 30 August 1994, whose diplomatic immunity was not waived by the Government of the Republic of Cuba, should leave the United States territory.

The Permanent Mission of Cuba to the United Nations, while availing itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration, reiterates once again that any incident, such as the aforementioned, resulting from failure of compliance by the pertinent authorities of the United States with their obligation of safeguarding and protecting the permanent missions and their personnel, is and will be the sole responsibility of the Government of the United States of America.